

REMARKS

Patent claims 1-22 and new claims 23-49 were pending. All pending claims were rejected in the Office Action. In conformance with 37 CFR § 1.173 regarding amendments of reissue claims, applicants have made amendments as follows: the amendments to patent claim 8 are shown by bracketed deletions. Patent claim 8 is amended for the fourth time herein. Claims 23-49, not being original patent claims, were amended by cancellation of the claims presented in the reissue application and submitting amended claims entirely underscored without indication of additions or deletions. Previous claims 23-49 were cancelled herein and replaced with four times amended claims 23-25 and 46-48, thrice amended claims 26-28 and 31-35, twice amended claims 29-30 and 40-43, once amended claims 36-39 and 44-48, and unamended claim 49.

In view of the foregoing amendments and arguments that follow, Applicants respectfully request that all rejections be withdrawn upon reconsideration.

Preliminarily, Applicants note that a new oath will be submitted upon an indication that the reissue claims are allowable and no further amendments are to be made.

Claim 8 was objected to, and rejected under 35 U.S.C. § 112, second paragraph, due to an omitted left bracket. That error has been corrected herein.

Claims 23-28, 31-35, 42-43, and 46 were objected to as containing redundant material. Specifically, the Examiner considered the reference to the amino acid sequence of the polypeptide to be redundant and suggested its deletion. Consistent with the Examiner's suggestion, Applicants have amended claims 23, 24, and 46 to remove some of the alleged redundant material. Although suggested by the Examiner, Applicants did not remove the reference to the **particular** amino acid

sequences of Figures 1 and 2 in these claims. Applicants maintain that these are not redundant references that can be deleted. Similarly, Applicants maintain that the reference to the **particular** amino acid sequences of Figures 1 and 2 in claim 31 is not redundant. These references set forth the reading frame. If the Examiner disagrees, she is asked to contact the undersigned to discuss. It is presumed the amendments to claims 23 and 24 will address the objection to claims 42 and 43 as well.

Claim 44 was objected to apparently because the Examiner would prefer the claim to recite simply “[a] vector comprising a nucleic acid sequence of claim 1.” Applicants note, however, that claim 1 recites a “composition,” not a nucleic acid sequence. Thus, Applicants maintain that the current language of claim 44 is more accurate. Again, if the Examiner disagrees, she is asked to contact the undersigned to discuss.

Claims 23 and 25-28 were objected to under 37 C.F.R. 1.175 as allegedly being substantial duplicates of claims 31-35, respectively. The Examiner argued that, although claims 23 and 25-28 do not recite DNA, they would necessarily need to be directed to DNA to produce the protein. The Examiner offered that, if Applicants are aware of a method of producing a protein by transforming a host cell with RNA, the objection will be withdrawn.

Applicants respectfully submit that protein can be produced following the transformation of a host cell with RNA vectors, i.e., retroviral vectors as disclosed at col. 3, lines 54-55, of the above-identified patent. As further support, Applicants enclose the following references discussing methods for producing proteins by transforming a host cell with retroviral vectors:

- 1) U.S. Pat. No. 5,681,746;

- 2) Zhou et al., *Vaccine*, 12(16):1510-14, 1994;
- 3) Altman-Hamamdzic et al., *Gene Therapy*, 4:815-22, 1997; and
- 4) WO 96/21014.

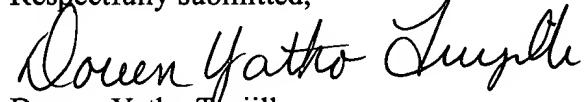
Applicants request that this objection be withdrawn.

Claims 25 and 26 were rejected under 35 U.S.C. § 112, second paragraph, for reciting different proteins but the same nucleic acid sequence. Claim 25 has been amended to recite that the nucleic acid sequence is sequence "(a)." This rejection has been obviated by amendment.

Claims 47 and 48 were rejected under 35 U.S.C. § 112, second paragraph, for lacking antecedent basis for the recitation of "said amino acid sequences is IGF-I [or IGF-II]." Claims 47 and 48 have been amended to recite that the amino acid sequences are the sequences of Fig. 1 and 2, respectfully. This rejection has been obviated by amendment.

It is expected that the application is now in condition for allowance. Please call the undersigned attorney if there are any outstanding issues or questions.

Respectfully submitted,



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